

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34147 of 2015

Arising Out of PS.Case No. -84 Year- 2013 Thana -BANMANKHI District- PURNIA

- =====
1. Jai Krishna Sah, S/o late Mahendra Sah,
 2. Vikash Kumar @ Vikash Sah, s/o Arun Sah
 3. Sanjay Sah @ Sanjay Kr. Sah, s/o late Laxmi Sah, all r/v Pipra, P.S. Banmankhi, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Adv.

For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 27-11-2015 Heard both sides.

The petitioners apprehend their arrest in Banmankhi P.S. Case No. 84/2013, registered for the offences punishable under Sections 323, 379 and other Sections of the Indian Penal Code. Later on after two years of the occurrence Section 307 of the Indian Penal Code was added.

The informant made allegation that the accused persons came and began to construct house on the land of his co-sharer. His co-sharer Sanjay Sah had already sold the land after receiving consideration amount of Rs. 50,000/-. It is alleged that the accused persons brutally assaulted the informant and when his wife and son came to save, they were also assaulted.

It is submitted that Sanjay Sah Petitioner no. 3 is own

brother of the informant. No specific allegation is made against any of the accused persons. Sanjay Sah did not execute any sale-deed in favour of the informant. After three days of the occurrence, the FIR was lodged, but after two years of the occurrence, the police filed a petition under Section 307 of the Indian Penal Code. No specific allegation of assault is made against the petitioners. Om Prakash Sah and his son got simple injuries, the wife also got five injuries, but all the injuries are simple in nature except injury no. 5 found on the hand is opined to be grievous in nature.

Considering the facts aforesaid, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnia in connection with Banmankhi P.S. Case No. 84/2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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